

RESOLUTION NO. 1557

A RESOLUTION SETTING PUBLIC ART SELECTION AND ACQUISITION POLICIES AND GUIDELINES.

Recitals:

- A. The Council believes that a public art policy is important to the social, cultural and economic health of the City of Central Point;
- B. The Council wishes to create and establish a policy which will encourage the creation and installation of public art in Central Point;
- C. A transparent policy for administering the public art process, including procedures for the review and selection of public art will foster quality public art installations.

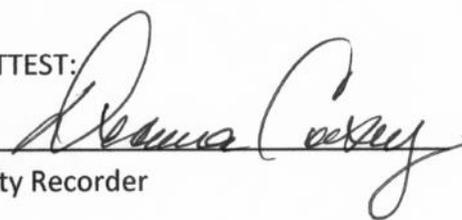
The City of Central Point resolves as follows:

Section 1. The City Council adopts the Public Art Selection and Acquisition Policy as shown in Exhibit A, incorporated herein by reference.

Section 2. This Resolution will take effect immediately upon its passage.

Passed by the Council and signed by me in authentication of its passage this 25<sup>th</sup> day of October 2018.

  
Mayor Hank Williams

ATTEST:  
  
City Recorder

**City of Central Point  
Public Art Selection and Acquisition  
Policies and Guidelines**

The City of Central Point Public Art Selection and Acquisition Policies and Guidelines are designed to guide the City's acquisition, retention and deaccession of public art. The Central Point City Council will administer the Public Art Selection and Acquisition Program, as outlined in the following policies and guidelines.

**Goals and Objectives of the Public Art Program**

- Develop a program which contributes to and enhances community identity and pride;
- Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media;
- Increase public exhibition opportunities for artists who live or work in the Central Point area;
- Encourage public participation and interaction with public spaces, kindling awareness of how surroundings impact experience;
- Enrich the public environment for both residents and visitors through incorporation of the arts.

**Definition**

As used here, in all communication by the Central Point City Council, Public Art is defined as follows:

Works of craft or art in any medium that has been reviewed against adopted and standardized criteria, approved, and formally accepted for ownership by the City of Central Point for installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means for a period of not less than five years duration. Public Art includes sculpture, murals, fountains, statues and any other form of two or three dimensional work in any medium appropriate for the location otherwise meeting the approval criteria.

All art, sculpture or other works owned by the City of Central Point acquired through any means or process and located in or on publicly owned or controlled buildings or land at the adoption of this policy are, by definition, Public Art as herein defined.

**Criteria of Artwork**

Highest quality of aesthetic experience is the primary criterion for selection of public art in Central Point. The objective of the Public Art Selection and Acquisition Policy is to develop a worthwhile, enduring and varied collection of artworks that enhances, enlivens and enriches the City while reflecting the values of the community. In the context of these objectives, the following guidelines apply:

<i>Media</i>	All visual art forms and materials will be considered.
<i>Style</i>	Artwork reflecting any school, movement, method style will be considered.
<i>Range</i>	Artwork may be functional or non-functional; conceptual or tangible;

portable or site-specific; folk art, craft or fine art; temporary or permanently installed, borrowed or purchased.

<i>Character</i>	Artworks must be appropriate in scale, media, style and content to the project and environment to which they will relate.
<i>Permanence</i>	Consideration should be given to structural and surface integrity, and should not require excessive maintenance and repair costs.
<i>Design Elements</i>	In addition to meeting aesthetic requirements, public art may also be asked to serve as a means of defining architectural space, e.g. establish focal points, clarify identify, indicate boundaries, modify and/or enhance specific spaces.
<i>Public Safety/ Liability</i>	Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
<i>Diversity</i>	The Public Art Program should strive for diversity, reflecting the social, ethnic and cultural fabric of the City.

### **Funding**

Funding for purchase or commission of specific works of public art or the development of any base funding process is required prior to the initiation of a public art project. Such funding may be developed through the City budget process, grant or fund-raising activities, private or corporate donations, or any other process of the Central Point City Council in accordance with its rules. The Public Art Selection and Acquisition Policy does not obligate or guarantee funding for public art.

### **Relation to Sign Code**

In placing and supporting public art on city owned and/or controlled sites, the City of Central Point acts as a patron of the arts, not as a regulator, and is accordingly free to approve or deny projects according to its own art acquisition goals. Public Art approved and adopted under these policies, whether developed as two- or three-dimensional installations, including statues, murals, friezes, or other works, placed on sites owned or controlled for not less than five years by the City of Central Point, is therefore exempt from the provisions of the Central Point Sign Code.

### **Site Selection**

The initial step in any public art project is the identification of an approved site for the installation of public art. In the selection of locations for the installation of proposed public art, the Central Point City Council strives to place public art in appropriate sites throughout the community with the objective of providing quality art to the greatest number of citizens. The objective is to develop a worthwhile, enduring, and varied collection of artworks in city buildings, public spaces, and appropriate other spaces secured through long-term lease or easement, that enhances, enlivens, and enriches the City while reflecting the values of the community.

### **Site Determination and Acquisition**

Sites for public art may be determined or selected in several ways, including but not limited to, the following:

- The City, acting through the City Council, City Department or other entity, chooses to designate all or a portion of a city-owned property or site for public art purposes.

- The legal owner(s) of a private property or other location meeting the site selection requirements may donate a Public Art Easement (minimum duration of five years) to the City for the placement of public art.
- The City Council may solicit the donation of private property for the display of public art.
- The City Council may negotiate and purchase a Public Art Easement for the display of public art provided such term is not less than five years duration.
- The City Council may, using funds raised for that purpose, purchase property or otherwise obtain sites for public art purposes.

### **Site Selection Criteria**

In the context of selecting a site for public art installation, the following guidelines apply:

- The City will obtain, through a binding Public Arts Easement Agreement, donation, or purchase, a clear and binding right to utilize the site for public arts purposes for a period not less than five years.
- For public art proposed within City of Central Point right-of-way, the location has been reviewed and accepted by the Public Works Director who may establish reasonable site limitations on the installation to assure public safety or other public needs.
- The location satisfies the City Council's objective of distribution of art throughout all areas of the city.
- The location is regularly visible or accessible to the public.
- The location is accessible under the requirements of the American for Disabilities Act, if such access is necessary for the art to be viewed.
- The location provides adequate lighting, if appropriate, to view the art or there is a binding commitment to assure that such can be provided.
- The location, including the surface or structure upon which the art is to be placed is both sound and in good repair, or there is a binding commitment to assure that it is made so.
- Reasonable security from vandalism/theft can be provided as a part of the project design.
- Reasonable protection from the elements is available at the site, or the selection will be limited to materials appropriate for the site.
- A maintenance agreement with the property/building owner has been executed.

### **Selection of Artists**

Artistic integrity is primary. Artists will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. Selected artwork will be original work completed by the submitting artist. Specifically excluded are works completed by students under the supervision of art instructors, or completed to satisfy course requirements.

### **Selection Methods**

Artwork may be selected by purchase, commission, donation, or by contract with the artist as part of a design team. Artwork may also be selected for purchase on its own merit, independent of the artist. Types of selection are as follows:

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| <i>Direct Selection</i> | Artist(s) chosen directly by Selection Panel Limited Competition. A small number of artists are invited by Selection Panel to submit proposals. |
| <i>Open Competition</i> | All artists are welcome to apply, subject to limitations established by the Selection Panel.  |
| <i>Invitation</i>       | Based on reputation and experience, an artist is invited by the   |

Selection Panel and paid to develop a proposal.

*Donation*

Triggered by a citizen offer to contribute artwork to the Public Art Program, the Selection Panel will review the work in terms of whether it satisfies stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the artwork.

**Selection Panel**

The Central Point City Council will be responsible for coordination, selection and purchase of artwork for the Public Art Program, using the procedures established and described in this document. The City Council will appoint members to a Selection Panel. Each Panel will be comprised of at least the following:

- A minimum of two arts professionals (specifically excluding dealers, agents or representatives of artists applying to the Panel);
- Two members of the City Council or staff, one serving as chair of the Panel and the other as a voting member. Chair will vote only to break a tie;
- One member of the community-at-large or neighborhood association, if applicable.
- Two representatives of the city department or area most closely aligned with the project under consideration.

**Duties and Responsibility of the Selection Panel**

- Review, evaluate and discuss credentials, proposals and/or materials submitted by the artists.
- Via majority vote, recommend the award of the art commission or decide to further investigate 2 or 3 finalists.
- If further investigation of finalists is decided, draft list of information and/or additional materials required. Conclude investigation as rapidly as possible, convene for further discussion and, via majority vote, recommend awarding of the art commission.
- Inform City Council in writing of Selection Panel's decision to recommend, citing reasons for selection.
- If the Selection Panel cannot reach an agreement, the matter will be referred to the City Council.
- The Selection Panel retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the City Council will determine whether to recommend that the project be abandoned, begin a new selection process or take some other course of action.

**Artist Responsibilities**

- If selected for a commissioned artwork, the artist must:
  - be willing to sign and abide by the terms stated within a Personal Services contract with the City of Central Point;
  - execute and complete the work in a timely and professional manner;
  - maintain an effective working relationship with the project team and staff;
  - advise the City Council or their representative immediately of any significant changes to the scope, materials or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with City requirements).
  - be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract;

- If an existing work is selected for a portable art collection, the artist (or owner) will:
  - deliver the selected piece promptly;
  - ensure that it is substantially and wholly the same work as was reviewed by the Selection Panel;
  - provide transfer of title to the City of Central Point and third-party substantiation of stated value;
- Artists' works will be the original product of the artist's own creative efforts and do not infringe on any third party's copyrights or other intellectual property rights.

#### **City of Central Point Responsibilities**

- Exert reasonable efforts to ensure that any commissioned and/or purchased artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner;
- Exert reasonable efforts to protect the artwork from theft, vandalism or other damages;
- Maintain insurance policies providing coverage for theft, vandalism or other damages to the artwork.
- Coordinate publicity and media attention for artwork.

#### **City of Central Point Staff Responsibilities**

- Manage and administer all implementation aspects of the Public Art Program as follows, coordinating with appropriate city departments, community organizations, businesses and appropriate nonprofit and government agencies:
  - participate in development of possible Public Art sites;
  - draft and distribute artist prospectuses, stating project goals and site plan;
  - convene Selection Panel and coordinate its work
  - prepare and monitor all tracking documents, including artist records, art inventories, and contracts;
  - coordinate all physical and logistical components of art installation;
  - coordinate preparation of any necessary signage, including identification labels and/or plaques.
- Serve as information conduit and link between artists, project and building managers and others as necessary to ensure a trouble-free project flow.
- Serve as resource, guide and counsel to the City Council and the City Manager regarding planning and other issues related to the Public Art Program.

#### **Ownership/Copyright/Reproduction/Resiting/Resale**

- Work purchased, commissioned or accepted as a donation shall be the property of the City of Central Point.
- The City intends that the work shall remain accessible to public viewing for as long as the City owns the work. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, or to place in storage in another facility, or to make a temporary loan to another agency or organization.
- After purchase or commission is awarded, the artist/City relationship will be defined by a standard contract addressing copyright, reproduction and resale issues.

#### **Non-destruction/Alteration/Maintenance**

- The City generally will not purposefully destroy, damage, alter, modify or otherwise change a public art work. If any alteration occurs after the receipt of the work by the City, whether intentional or accidental, the Artist has the right to request that the work

shall no longer be represented to be the work of the Artist.

- The City shall be responsible for the proper cleaning, maintenance and protection of the work after its installation, considering any written instructions provided by the Artist at the time of delivery of the work.

### **Accepting Donations of Artwork**

In addition to supporting the Public Arts Program via financial assistance or the grant of land or long-term easements for public art, private parties and other entities may offer to donate completed or proposed works of art to the City of Central Point under the Public Art program. It is the responsibility of the Central Point City Council to review such proposals for consistency with its goals and, where appropriate either accept or reject such gifts to the City. All such determinations reside with the City Council. In evaluating offers of donated artwork, the City Council will use the procedures and criteria established above to determine the appropriateness of both the proposed site and the extant or proposed work of art.

- Art offered to the City of Central Point through donation will be evaluated using the entire public art process except as noted below.
- In the case of pre-existing works of art only, the City Council, at its discretion by majority vote, may choose to function as the Selection Panel rather than creating one.
- Donated artwork in exterior locations shall include the donation of the site or a minimum five year easement to the City for such use.

### **Deaccessioning**

- Based on criteria developed by the City Council and City staff, artworks may be released from future City ownership and offered for sale, following procedures stated above in Ownership/Copyright/Reproduction/Resiting/Resale<sup>[SD1]</sup>. Written records of the entire process shall be maintained. Outside appraisals or opinions shall be used when appropriate.
- Proceeds from sales or deaccessioned artwork shall be used to fund additional purchases or commissions conforming to the *Criteria* and *Selection Methods* described above.